

FILED
 2021 FEB 12 10:46 AM
 KING COUNTY
 SUPERIOR COURT CLERK
 E-FILED
 CASE #: 21-0-12050-3 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
 IN AND FOR KING COUNTY

IN THE MATTER OF THE RESPONSE BY)	
KING COUNTY SUPERIOR COURT TO THE)	No. 20-0-12050-3
PUBLIC HEALTH EMERGENCY IN)	
WASHINGTON STATE)	UNIFIED FAMILY COURT
)	GENERAL ORDER RE:
)	AUTHORITY TO PRIORITIZE AND
)	CONTINUE TRIALS
)	
)	

This matter comes before the Court on the public health emergency in Washington State.

This order is based on the findings in King County Emergency Orders Nos. 1-24¹, Governor Jay Inslee's proclamations regarding the COVID-19 pandemic², the March 13, 2020 Proclamation of President Donald Trump³ regarding the COVID-19 pandemic, Chief Justice Debra Stephens' Orders⁴, the Court's need to maintain public health and safety balanced against the Court's core constitutional obligations to the public, and the Court's authority to fairly and efficiently manage its docket, as well as the specific findings and conclusions below:

¹ <https://www.kingcounty.gov/courts/superior-court.aspx>

² <https://www.governor.wa.gov/office-governor/official-actions/proclamations>

³ <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>

⁴ <http://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.COVID19Orders>

1 1. UFC Judges have the inherent authority to control and manage their
2 calendars, proceedings, and parties. *State v. Gassman*, 175 Wn.2d 208, 211, 283 P.3d 1113,
3 1114 (2012).

4 2. Since July 20, 2020, all UFC Judges have been conducting regular trials,
5 presumptively on the ZOOM format. Prior to that date the Court operated in a limited
6 capacity due to the COVID pandemic. UFC Judges per the Court's Emergency Orders
7 continued trial dates and heard only "emergency" motions. Predictably, a significant
8 backlog in the UFC trial docket developed. During August and September 2020, UFC
9 Judges continued many of these trial dates, either *sua sponte* or at the request of litigants,
as the Court and the family law bar gradually resumed full operation.

10 3. The current result of the fully resumed operation is that each UFC trial
11 judge may consistently have several cases on standby each week. The Court's brokerage
12 system is able to reassign some but typically not all of these standby cases to other UFC
13 Judges. However, because criminal cases take priority over family law cases (*see* CrR
14 3.3(a)(2)), the number of available Judges outside UFC will be limited when criminal jury
15 trials resume more broadly. Over time, it is also possible that UFC judges may be
temporarily reassigned to cover criminal cases per considerations under CrR 3.3(a)(2).

16 4. In light of these structural constraints due to the COVID-related backlog,
17 UFC Chief Judge and the Presiding Judge have authorized UFC Judges to prioritize the
18 order in which UFC trials will be heard depending on urgency and need defined by the
19 following non-exhaustive criteria:

- 20 a. the extent to which temporary orders have stabilized relations between
21 the parties and the status of any children, including whether the parties
22 have complied with or violated temporary orders during the pendency
23 of the case to the material detriment of the parties or their children;
- b. the nature, complexity, and type of the case;

- c. whether a child is in imminent risk of harm that cannot be mitigated by temporary orders;
- d. whether additional delay, despite any temporary orders, would jeopardize the basic financial survival of the child or parties (for example, because one might be unable to maintain housing, lose the capacity to provide for bare necessities, lose a substantial sum of money, or lose critical health care);
- e. whether a parent has persistently missed paying their financial obligations to the other parent and such missed payments are likely to cause or are causing substantial hardship for the receiving parent or children;
- f. whether additional delay, despite any temporary orders, would irreversibly prejudice either a party or a child;
- g. whether the trial court has granted any previous continuances;
- h. the presence or absence of any domestic violence issues, mental health issues, substance abuse issues, abusive use of conflict or alienation, or other issues that have resulted in restrictions under RCW 26.09.191 or could result in such restrictions at trial, including the ongoing severity of any of these issues and the extent to which any temporary orders or domestic violence protection orders have mitigated any related potential harm;
- i. whether either party has any pending criminal case(s) or concurrent domestic violence protection order(s);
- j. the extent to which one parent has been unreasonably separated from any children or a parent is subject to ongoing professionally supervised visitation;

- 1 k. whether one party is asking to relocate with the children;
2 l. whether one party in a dissolution intends to remarry imminently; and
3 m. any other compelling reason why the case should not be continued.

4 5. Consistent with this procedure, prior to the pre-trial conference, the
5 assigned Judge may provide parties a questionnaire (attached as Appendix A to this rule).
6 The questionnaire asks the parties to indicate whether any of the aforementioned relevant
7 considerations apply and related specific information that bears on the urgency of a case.

8 6. UFC Judges may require the parties to complete the questionnaire and
9 return it to the Judge's bailiff by email or US mail, or by filing it in the court file by the
10 date the Judge requires its completion. This information, along with the individual
11 Judge's review of the docket and case file, will be used to assist the Judge in determining
12 trial date priority based on the factors in Paragraph 4. Absent good cause, any party that
13 fails to respond properly and timely to the questionnaire may not object to a subsequent
14 continuance.

15 7. Pursuant to this Order and informed by the parties' input per the
16 questionnaire, the Judge may strike a trial date before a pretrial conference, conduct a
17 pretrial conference and hear argument from the parties about whether or not a trial may
18 be continued, or confirm the trial date at the pretrial conference.

19 8. If, in advance of the pretrial conference, the parties agree that a trial may be
20 continued, they may file a stipulated motion, providing the Judge with potential new
21 dates. The Judge may consider such stipulated motions and issue orders amending the
22 case schedule as appropriate.

23 SO ORDERED

Dated: February 12, 2021

Electronic signature attached
CHIEF UFC JUDGE JANET M. HELSON

[blank caption to be inserted here]

UFC TRIAL PRIORITY QUESTIONNAIRE***5

This form will help your assigned judge decide how to prioritize cases for trial considering the large COVID related trial backlog. Please fill it out and ☐ return it to the bailiff ☐ file it in the court file ☒ serve the other parties with a copy of this form by the due date. Failure to follow these instructions may result in your case being continued. You may use only the extra space after the last question to add to any answer. Any other pages attached to this form may not be considered.

1. My name is: _____.

I am the ☐ Attorney for ☐ Petitioner ☐ Respondent ☐ Other: _____

2. When was this case filed? _____ How many times has the trial date been continued?

3. Does this case involve any children (requiring a parenting plan or modification, child support, or other orders about children)? ☐ Yes ☐ No. If Yes, is either parent subject to court ordered supervised visitation at this time? ☐ Yes ☐ No

4. This case involves a ☐ Dissolution ☐ Parenting Plan ☐ Modification to a Parenting Plan ☐ Modification to Child Support ☐ Parentage Action ☐ Relocation ☐ Other: _____

5. How long do you expect this trial to take from start to finish? _____ days.

6. Can this case be tried completely via video conferencing with only electronic exhibits? ☐ Yes ☐ No

7. Does ☐ Petitioner ☐ Respondent ☐ other witnesses need interpreter(s)? If so, which language(s): _____

8. Have the parties completed mediation? ☐ Yes ☐ No

9. Are there outstanding discovery issues? ☐ Yes ☐ No

10. Are there any temporary court orders in this case? ☐ Yes ☐ No. If Yes, in the space on the next page explain if the parties have complied with the temporary orders, and whether the temporary orders have been generally working/not working for the parties and children.

11. Are any children or either of the parties at material risk of harm (physical, emotional, financial, or other) that cannot be mitigated by temporary orders? ☐ Yes ☐ No. If Yes, please explain why in the space on the next page.

*** See, Unified Family Court General Order Re: Authority to Prioritize and Continue Trials
Page 1 of 2

King County Superior Court
Judicial Electronic Signature Page

Case Number: 21-0-12050-3
Case Title: General Admin Policy Orders
Document Title: ORDER RE RE UFC CASE PRIORITIZATION

Signed By: Janet Helson
Date: February 12, 2021



Judge: Janet Helson

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: B44F98054DF03CCF398D3CAA63FB23D576028AF9
Certificate effective date: 3/23/2020 2:01:55 PM
Certificate expiry date: 3/23/2025 2:01:55 PM
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,
O=KCDJA, CN="Janet Helson:
mrcKhZRJ6RGi3bW4jC1lQQ=="